

AMENDED IN SENATE APRIL 24, 2006

AMENDED IN SENATE APRIL 17, 2006

SENATE BILL

No. 1508

Introduced by Senator Bowen

February 23, 2006

An act to add Section ~~1367.666~~ 1367.645 to the Health and Safety Code, and to add Section ~~10123.21~~ 10123.831 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL'S DIGEST

SB 1508, as amended, Bowen. Health care coverage: colonoscopies.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. Under existing law, a health care service plan and a health insurer, as specified, are deemed to provide coverage for ~~generally medically accepted cancer screening tests~~, subject to all other terms that would otherwise apply under the plan or policy *certain medical examinations and tests, including the screening and diagnosis of prostate cancer.*

This bill would ~~require~~ *prohibit* a health care service plan ~~and~~ or a health insurance policy, as specified, *that provides coverage for colonoscopies from reducing or limiting the reimbursement of the attending provider for providing pain management care in association with a colonoscopy in accordance with coverage requirements and subject to utilization review. The bill would authorize a health care service plan or a health insurance policy to* ~~provide~~ *deny* coverage for

~~propofol and for the administration of propofol, for the purpose of colonoscopies, for the purposes of a colonoscopy if the propofol is not administered by certain recommended providers a provider that is recommended by labels or other guidelines on propofol developed by the federal Food and Drug Administration.~~

Because the bill would specify an additional requirement for a health care service plan, the willful violation of which would be a crime, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.645 is added to the Health and
2 Safety Code, to read:

3 1367.645. (a) A health care service plan contract that is
4 issued, amended, renewed, or delivered on or after January 1,
5 2007, that provides coverage for colonoscopies shall not reduce
6 or limit the reimbursement of the attending provider for
7 providing pain management care to an individual enrollee in
8 accordance with coverage requirements and subject to utilization
9 review.

10 (b) Notwithstanding subdivision (a), a health care service plan
11 may deny coverage for propofol for the purposes of a
12 colonoscopy if it is not administered by a provider that is
13 recommended by labels or other guidelines on propofol
14 developed by the federal Food and Drug Administration.

15 SEC. 2. Section 10123.831 is added to the Insurance Code, to
16 read:

17 10123.831. (a) An individual or group health insurance
18 policy that covers hospital, medical, or surgical expenses that is
19 issued, amended, renewed, or delivered on or after January 1,
20 2007, that provides coverage for colonoscopies shall not reduce
21 or limit the reimbursement of the attending provider for

1 *providing pain management care to an individual enrollee in*
2 *accordance with coverage requirements, and subject to*
3 *utilization review.*

4 *(b) Notwithstanding subdivision (a), an individual or group*
5 *health insurance policy may deny coverage for propofol for the*
6 *purposes of a colonoscopy if it is not administered by a provider*
7 *that is recommended by labels or other guidelines on propofol*
8 *developed by the federal Food and Drug Administration.*

9 *SEC. 3. No reimbursement is required by this act pursuant to*
10 *Section 6 of Article XIII B of the California Constitution because*
11 *the only costs that may be incurred by a local agency or school*
12 *district will be incurred because this act creates a new crime or*
13 *infraction, eliminates a crime or infraction, or changes the*
14 *penalty for a crime or infraction, within the meaning of Section*
15 *17556 of the Government Code, or changes the definition of a*
16 *crime within the meaning of Section 6 of Article XIII B of the*
17 *California Constitution.*

18 ~~SECTION 1. Section 1367.666 is added to the Health and~~
19 ~~Safety Code, to read:~~

20 ~~1367.666. (a) Every individual or group health care service~~
21 ~~plan contract, except a specialized health care service plan~~
22 ~~contract, that is issued, amended, or renewed on or after January~~
23 ~~1, 2007, shall provide coverage for propofol, and for the~~
24 ~~administration of propofol by any provider that is recommended~~
25 ~~by labels or other guidelines on propofol developed by the~~
26 ~~federal Food and Drug Administration, for the purpose of~~
27 ~~colonoscopies. This coverage shall not be subject to prior~~
28 ~~authorization or to utilization review by the health care service~~
29 ~~plan.~~

30 ~~(b) Notwithstanding subdivision (a), a health care service plan~~
31 ~~may deny coverage for propofol for the purpose of colonoscopies~~
32 ~~if it is not administered by a provider that is recommended by~~
33 ~~labels or other guidelines on propofol developed by the federal~~
34 ~~Food and Drug Administration.~~

35 ~~SEC. 2. Section 10123.21 is added to the Insurance Code, to~~
36 ~~read:~~

37 ~~10123.21. (a) Every individual or group health insurance~~
38 ~~policy that covers hospital, medical, or surgical expenses that is~~
39 ~~issued, amended, delivered, or renewed on or after January 1,~~
40 ~~2007, shall provide coverage for propofol, and for the~~

1 administration of propofol by any provider that is recommended
2 by labels or other guidelines on propofol developed by the
3 federal Food and Drug Administration, for the purpose of
4 colonoscopies. This coverage shall not be subject to prior
5 authorization or to utilization review by the individual or group
6 health insurance policy.

7 (b) Notwithstanding subdivision (a), an individual or group
8 health insurance policy may deny coverage for propofol for the
9 purpose of colonoscopies if it is not administered by a provider
10 that is recommended by labels or other guidelines on propofol
11 developed by the federal Food and Drug Administration.

12 (c) This section shall not apply to accident-only, specified
13 disease, hospital indemnity, Medicare, CHAMPUS supplement,
14 dental-only, or vision-only insurance policies.

15 SEC. 3. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the
20 penalty for a crime or infraction, within the meaning of Section
21 17556 of the Government Code, or changes the definition of a
22 crime within the meaning of Section 6 of Article XIII B of the
23 California Constitution.